

# **EXHIBIT F**



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, Third Floor  
New York, New York 10007*

August 27, 2008

BY FACSIMILE

Honorable Frank Maas  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 740  
New York, New York 10007

Re: In re Terrorist Attacks of September 11, 2001  
03 MDL 1570 (GBD) (FM)

Dear Judge Maas:

I write respectfully in connection with the Motley Rice firm's recent submission of materials for the Court's ex parte, in camera review in the above-referenced matter. We were provided with copies of these materials today, under the attached cover letter from Mr. Haefele, representing plaintiffs. Mr. Berger, representing defendant The National Commercial Bank, subsequently provided us with copies of the parties' correspondence dated August 25, 26, and 27, 2008, regarding these materials.

As I advised your law clerk by telephone this afternoon, a preliminary review of the submitted materials indicates that many of the documents are government documents that bear classification markings, and accordingly they should be treated as classified national security information. We are in the process of contacting the federal agencies involved to confirm the classification status of the documents. We will advise the Court as soon as we obtain further information regarding this matter.

We understand from Your Honor's law clerk that, because the parties dispute whether or not the Court should engage in ex parte review of the documents, the documents have not been reviewed. We respectfully request that the Court refrain from reviewing the documents until we can advise the Court of their classification status, and until arrangements can be made to

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obtain any security clearances that may be necessary. See 28 C.F.R. § 17.46(c).

With regard to the handling of the documents delivered to chambers, Your Honor's law clerk has indicated that the documents would be maintained in a locked drawer or cabinet. In addition, we have contacted Senior Security Specialist Michael Macisso, of the Department of Justice's Litigation Support Section, who will contact chambers directly to provide advice and support with regard to the handling of the documents. Mr. Macisso may be reached at (202) 353-5168.

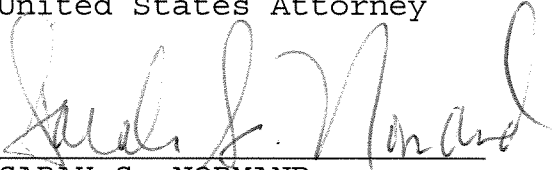
By copy of this letter, we request that Motley Rice collect all original documents in its possession, any and all paper and electronic copies, and any derivative documents such as attorney notes; secure them in one location, such as a locked cabinet; and refrain from any further dissemination of the documents pending the government's review of the documents. We further request that Motley Rice provide confirmation in writing that the documents have been so secured and will not be further disseminated.

I thank the Court for its consideration of this submission.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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Encl.

cc: Hon. George B. Daniels (by facsimile)  
Robert Haefele, Esq., Motley Rice (by email)  
Mitchell R. Berger, Esq., Patton Boggs LLP (by email)



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August 27, 2008

**Via Hand Delivery**

Sarah S. Normand, Assistant U.S. Attorney  
UNITED STATES ATTORNEY'S OFFICE  
86 Chambers Street, 3rd Floor  
New York, NY 10007

***Re: Enclosed documents***


Dear Ms. Normand:

Please find enclosed herewith a set of documents that we have produced to the Court in the *In re Terrorist Attacks on September 11, 2001 Litigation*, 03 MDL 1570 (GBD)(FM), for *in camera* and *ex parte* review. We have not and do not intend to produce them or use them in the *In re September 11 Litigation*, 21 MC 101 (AKH).

If you have any questions about what was submitted for the Court's review, please do not hesitate to contact me.

Respectfully,

MOTLEY RICE LLC

By:   
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